

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

**ANTHONY WRIGHT, DANIEL  
HANSEN, and KENNETH PRIVETTE,  
Individually and on behalf of all others**

*Plaintiffs,*

**V.**

**WASTE PRO USA, INC., WASTE PRO OF  
FLORIDA, INC., WASTE PRO OF  
SOUTH CAROLINA, INC. and WASTE PRO  
OF NORTH CAROLINA, INC.**

***Defendants.***



**Civil Action No. 2:17-cv-2654-DCN**

## JURY TRIAL DEMANDED

**COLLECTIVE ACTION  
PURSUANT TO 29 U.S.C § 216(b)**

**CLASS ACTION PURSUANT TO  
FED. R. CIV. P. 23**

**PLAINTIFFS' UNOPPOSED MOTION FOR NINE-DAY  
EXTENSION OF TIME TO FILE RESPONSE**

TO THE HONORABLE UNITED STATES COURT:

Plaintiffs—Anthony Wright, Daniel Hansen, and Kenneth Privette, individually and on behalf of all others similarly situated—file their unopposed motion for a nine-day extension of time to respond to Defendant’s Waste Pro USA, Inc., Waste Pro of North Carolina Inc., Waste Pro of South Carolina Inc., and Waste Pro of Florida Inc., Motions to Dismiss (ECF No. 37-40).

1. This a collective action under the FLSA, 29 U.S.C. § 216(b), and a class action under FED. R. CIV. P. 23 pursuant to state wage and hour laws. *See* ECF No. 1. Plaintiffs filed their Original Complaint on October 2, 2017 (ECF No. 1), and filed their Amended Complaint—which added a named Plaintiff and Defendant—on October 31, 2017. (ECF No. 2).

2. On Wednesday, December 20, 2017, Defendants filed four Motions to Dismiss for lack of subject matter jurisdiction, pursuant to Federal Rules of Civil Procedure 12(b)(1), for lack of

personal jurisdiction pursuant to Federal Rules of Civil Procedure 12(b)(2), and for failure to State a Claim pursuant to Federal Rules of Civil Procedure 12(b)(6). (ECF No. 37-40). Plaintiffs' deadline to respond to this response is Wednesday, January 3, 2018. This deadline has not been previously extended, and Plaintiffs' counsel does not believe that the extension requested would affect another deadline.

3. Plaintiffs seek a 9-day extension of time—until Friday, January 12, 2018—to file their response. This extension is sought because of much of the response period fell over the holidays.

4. Defendants are unopposed to the 9-day extension of time and have no objection to Plaintiffs request to respond to their motion on or before January 12, 2018.

5. Plaintiffs respectfully request that the Court grant this motion and grant Plaintiffs a 9-day extension of time—until January 12, 2018—to reply to Defendant's Waste Pro USA, Inc., Waste Pro of North Carolina Inc., Waste Pro of South Carolina Inc., and Waste Pro of Florida Inc., Motions to Dismiss for lack of subject matter jurisdiction, lack of personal Jurisdiction and for Failure to State a Claim (ECF No. 37-40). Plaintiffs also request all other proper relief which may be available.

Respectfully submitted by:

**LE CLERCQ LAW FIRM, P.C.**

**By: /s/ Ben Whaley Le Clercq**

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*pro hac vice* application pending

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**ATTORNEYS IN CHARGE FOR PLAINTIFFS AND  
PUTATIVE CLASS MEMBERS**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 28, 2017 I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, District of South Carolina, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Ben Whaley Le Clercq  
Ben Whaley Le Clercq, Esq.